

HAYWARD POLICE DEPARTMENT

CASE REPORT

300 West Winton Avenue

Hayward, CA 94544

CASE# **2014-00005585**

EVENT	REPORTED DATE/TIME 01/21/2014 22:01	OCCURRED INCIDENT TYPE Drug Violations	CASE DISPOSITION Arrest
	OCCURRED FROM DATE/TIME 01/21/2014 22:01	OCCURRED THRU DATE/TIME 01/22/2014 03:00	LOCATION OF OCCURRENCE 22285 Main St Hayward, CA 94541-

OFFENSES	STATUTE/DESCRIPTION			COUNTS	ATTEMPT/COMMIT
	148 PC-M	148		1	Commit
	11377(A) HS-F	DrugA		1	Commit
	11370.1 HS-F	DrugA		1	Commit
	2800.2(A) VC-F	2800		2	Commit

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)			<input type="checkbox"/> NON-DISCLOSURE
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE	PFN	PRIMARY PHONE	PHONE #2		

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REPORTING OFFICER Lunger	DATE 106	REVIEWED BY 01/21/2014
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Hayward, CA 94544

VEHICLES as INVOLVED

CASE VEHICLE	VEHICLE ROLE Suspect Vehicle			
	VEH YR	TYPE/MAKE/MODEL		
	1999	Passenger Car\Buick\Riviera\Riviera		
	PLATE / STATE	VIN	TOP COLOR	STYLE
	6tec636/CA		White	2 Door Sedan
ADDITIONAL DESCRIPTIVE INFORMATION				

CASE VEHICLE	VEHICLE ROLE			
	VEH YR	TYPE/MAKE/MODEL		
	PLATE / STATE	VIN	TOP COLOR	STYLE
				BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION			

VEHICLES as PROPERTY

PROPERTY VEHICLE	PROPERTY CODE			
	VEH YR	TYPE/MAKE/MODEL		
	PLATE / STATE	VIN	TOP COLOR	STYLE
				BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION			

PROPERTY VEHICLE	PROPERTY CODE			
	VEH YR	TYPE/MAKE/MODEL		
	PLATE / STATE	VIN	TOP COLOR	STYLE
				BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION			

PROPERTY VEHICLE	PROPERTY CODE			
	VEH YR	TYPE/MAKE/MODEL		
	PLATE / STATE	VIN	TOP COLOR	STYLE
				BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION			

REPORTING OFFICER	DATE	REVIEWED BY
Lunger	106	01/21/2014

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NARRATIVE

SUSPECT STATUS: Known, Castellanos in custody at HPD Jail for 148(a)(1) PC, 11377 H&S, and three Felony warrants.

SUSPECT INJURIES: Castellanos was treated at Eden Hospital for small bone chip on left knee cap, bruising on left calf, and abrasion of right shin. Officer Flores took digital photos of Castellanos injuries and placed them into evidence,

NARRATIVE: On 1/21/14 I was assigned as a Sergeant to the Hayward Police Department patrol division. I was driving a marked black/white Hayward Police patrol vehicle equipped with interior mounted emergency equipment (red/blue lights and siren). I was dressed in standard Hayward Police class "C" uniform with all the proper patches and insignias.

At 2200 hours, I was driving N/B on Main St at the intersection of Warren St when I noticed a 2 door white Buick Riviera license number 6TEC636 parked on the west sidewalk in front of 22285 Main St facing S/B, a violation of 22500(f) CVC. I noticed the exterior lights were not turned on and there was an unknown race male sitting in the driver's seat, later identified as (S) Castellanos. I made a U-turn to conduct an enforcement stop on the vehicle.

I activated my emergency lights (red/blue lights) and put my exterior spotlights on the vehicle. I advised HPD Dispatch my location and license plate number of the car. As I exited my vehicle, Dispatch advised me there was active Probation attached to the plate for a [REDACTED] with a S7 search clause for 11351 H&S. As I got out of my vehicle, Castellanos quickly exited the Buick and looked back at me. I noticed Castellanos eyes got big, like he was surprised to see me. Castellanos quickly walked away from the driver's door of the vehicle and started to open the hood of the vehicle. Castellanos stated the vehicle was having mechanical problems and was waiting for his girlfriend to jump start the car. I informed Castellanos I could provide a jump start and he stated he did not need one.

As I walked to the front of the Buick where Castellanos was standing, Castellanos walked away from me towards the passenger side of the vehicle. Based on the fact that the vehicle was parked on a sidewalk, there was active Probation attached to a subject associated with the vehicle, I had not identified Castellanos, His odd behavior of looking surprised to see me, not wanting a jump start from me, and walking away from me each time I got close to me, I ordered Castellanos to take a seat on the front bumper of the vehicle.

Castellanos initially did not respond to my request to take a seat, instead he looked around as if he getting ready to flee on foot. I made the comment to Castellanos if he was looking to run from me and Castellanos did not reply, instead looked around again. I told Castellanos again to take a seat on the bumper, which he did. I explained to Castellanos why I was stopping him and Castellanos stated he was not [REDACTED]; [REDACTED] is a black male.

Castellanos verbally identified himself as Anthony Rodriguez with a date of birth of 3-12-75. Castellanos stated he may be on probation for petty theft but did not know if he had a search clause. I asked Castellanos how old his was and he stated "36," which did not match the date of birth he gave me. I know from my training and experience that criminals will lie to Law Enforcement to hide their true identity because they may be wanted or have a search clause. It was at this time that Officer Flores arrived on scene to cover me.

Due to Castellanos odd behavior, I asked Officer Flores if he could conduct a pat search of Castellanos while I did a records

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Lunger	106	01/21/2014

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NARRATIVE (continuation)

check on him. I noticed Officer Flores start to do a pat search when Castellanos broke away from Officer Flores grasp and flee on foot S/B on Main St. I advised Dispatch we were in foot pursuit while Officer Flores and I ran after Castellanos. Officer Flores and I both yelled at Castellanos to stop but he continued to run. I noticed reach into his front right pocket with his right hand and pull his hand back out. I noticed Castellanos drop a clear plastic baggie out of his right hand onto the west sidewalk of Main St, just south of Warren St. Castellanos then ran W/B into the driveway of 22303 Main St.

There is no avenue of escape at 22303 Main St, as it is a small duplex. Once Castellanos realized he had nowhere to go, he turned to face Officer Flores and myself and took a fighting stance, balling both of his fists and raising his hands.

Based on the following:

- 1) Castellanos was trying to avoid contact with me from the initial stop
- 2) Castellanos lied about his birth date
- 3) There was active H&S Probation to the vehicle Castellanos was sitting in
- 4) I know from training an experience drug dealers will arm themselves with firearms to protect their product
- 5) Castellanos had not yet been searched
- 6) Castellanos was actively avoiding contact because he fled on foot
- 7) Castellanos took a fighting stance once cornered
- 8) I did not know what fighting training/tactics Castellanos may have

I feared for Officer Flores and my safety and deployed my collapsible baton. Officer Flores and I ordered Castellanos to lie on the ground but he did not comply, instead staggered his feet into a fighting stance. Fearing an imminent attack, I delivered a zone 2 strike to Castellanos, striking him on his left knee. Castellanos fell back a little but then started to advance on Officer Flores and I again. I noticed Officer Flores baton strike Castellanos legs but had not effect on Castellanos. I again delivered a zone two strike with my baton, striking Castellanos on his left knee. Castellanos then fell to the ground but continued to kick his legs. Officer Flores delivered another baton strike to Castellanos legs and Castellanos yelled, "I give up!" Officer Flores detained Castellanos in handcuffs without further incident.

Once in custody Castellanos gave me his real name and stated he had warrants. Dispatch confirmed Castellanos had active Felony warrants for 11370 H&S and 2800.2 CVC. Dispatch also advised that Castellanos was on active Probation with S7 search clauses. I placed a Probation Hold onto Castellanos booking sheet.

Castellanos stated he left knee hurt so I requested HFD respond to the scene. Castellanos was later transported to Eden Hospital by Paramedics Plus. Officer Flores went with Castellanos to Eden Hospital. Castellanos was later medically

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Lunger	106	01/21/2014

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NARRATIVE (continuation)

cleared for incarceration.

I went back to where I saw Castellanos drop the clear plastic bagger and noticed it contained a clear crystal like substance that I recognized as Methamphetamine. Officer McAdams photographed and collected the Methamphetamine per my request while I dealt with the overall scene. I later retrieved the Methamphetamine from Officer McAdams at HPD. I weighed and NIK tested the Methamphetamine. It test presumptive positive for Methamphetamine and weighed .6 grams. I placed the Methamphetamine into evidence for further lab analysis.

A search of the vehicle incident to arrest did not reveal any other illegal items. The vehicle was towed from the scene per 22651(h) CVC.

[REDACTED]

[REDACTED]

WITNESS AT TEMPS: Officer McAdams and Officer Denning conducted witness attempts and recorded them on their PUMA's. No one saw/heard anything. Refer to supplements for further.

SUSPECT STATEMENT: Officer Flores read Castellanos his Miranda Rights while at Eden Hospital and Castellanos agreed to give a statement. Castellanos admitted to running from the police because he had illegal narcotics on him and thought that he may have a warrant.

[REDACTED]

[REDACTED]

**** END OF REPORT S. LUNGER #106 ****

REPORTING OFFICER	DATE	REVIEWED BY
Lunger	106	01/21/2014

HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

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Hayward, CA 94544

EVENT	REPORTED DATE/TIME 01/21/2014 22:01	OCCURRED INCIDENT TYPE			
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE		

OFFENSES	STATUTE/DESCRIPTION				COUNTS	ATTEMPT/COMMIT

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REPORTING OFFICER McAdams	DATE 490	REVIEWED BY
01/21/2014		

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Hayward, CA 94544

NARRATIVE

NARRATIVE:

On 01-21-2014 I was dispatched to a suspicious vehicle on Main Street near Warren. When I arrived on scene, Sgt. Lunger and Officer Flores had contacted the person in the vehicle. As I exited my patrol car the suspect suddenly darted away and ran southbound on Main Street. Sgt Lunger and Officer Flores gave chase on foot. I then reentered my patrol car and headed southbound on Main Street. As I got in my patrol car I lost sight of them. I then spotted Sgt Lunger stepping out of a driveway on the west side of Main Street just south of Warren. I pulled my patrol car into the driveway. Sgt Lunger then pointed out a small plastic baggie that contained a white substance that the suspect had tossed away as he ran up the driveway. I obtained my issued digital camera and photographed the baggie then collected it. I then took several digital photos of the suspect as he was being treated by paramedics at the scene for his complaint of knee pain.

I was then directed to make witness attempts at [REDACTED]. I contacted [REDACTED] in apartment [REDACTED] who said she had been sleeping and did not see or hear anything until her children woke her up telling her the police were outside. [REDACTED] I also knocked on the doors to Apartments [REDACTED] and [REDACTED] where there was no answer.

The small baggie of white substance was later delivered to Sgt Lunger who processed it and placed it into evidence. See his report for additional details.

I later downloaded a total of 15 digital photographs of the baggie with the white substance, the suspect at the scene, and the car he ran from to a CD. I then booked this CD into evidence at HPD.

WITNESS ATTEMPTS:

[REDACTED]. She said she was sleeping and did not see or hear anything until her children woke her up telling her the police were outside.

[REDACTED] - No answer.

[REDACTED] - No answer.

[REDACTED] - No answer.

****End of Narrative**** N. McAdams

REPORTING OFFICER	DATE	REVIEWED BY
McAdams	490	01/21/2014

HAYWARD POLICE DEPARTMENT

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CASE# 2014-00005585

300 West Winton Avenue

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EVENT	REPORTED DATE/TIME 01/21/2014 22:40	OCCURRED INCIDENT TYPE			
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE		

OFFENSES	STATUTE/DESCRIPTION				COUNTS	ATTEMPT/COMMIT

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REPORTING OFFICER Flores	DATE 309	REVIEWED BY
01/21/2014		

HAYWARD POLICE DEPARTMENT

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CASE#

2014-00005585

300 West Winton Avenue

Hayward, CA 94544

NARRATIVE

**This is a supplemental report to Sgt. Lungers Original Case Report. **

NARRATIVE:

On 21-Jan-14, I was assigned as C33. I was dressed in full HPD Class "B" uniform and I was driving fully marked HPD patrol vehicle #299. At approximately 2201 hours, I was detailed to the intersection of Main St and Warren St to assist Sgt. Lunger on a stop that he had conducted.

Upon arrival Sgt. Lunger advised me that he had not conducted a pat search for weapons on the subject NEDDIE CASTELLANOS. For Officer Safety reasons I conducted a pat search for weapons or any illegal items on his person. Prior to conducting my search I asked Castellanos if he had anything illegal on his person. Castellanos said "yeah man I got some Keef on me." Based on my training and experience I know that "Keef" is a type of marijuana. I also know that it is illegal to be in possession of the marijuana if the subject does not have a medical marijuana card.

Due to the fact that Castellanos told me that he had illegal items on his person, I began to conduct a thorough search of his person to look for any additional illegal items. While searching Castellanos, I had him in a standing modified position with his fingers interlocked behind his head while I was controlling his hands together. I placed my hand into his right jeans pocket and felt a plastic bag with a sharp/shard glass like substance. It was at this time that Castellanos pulled his hands away from me, elbowing me as he began to run north bound on Main St.

Sgt. Lunger and I began to run after Castellanos. While running after Castellanos I was giving him the commands of "stop running police" and "get on the ground now!" Castellanos refused to stop running and ran into the driveway of 22303 Main Street. As I closed the distance on Castellanos he turned around and faced me with his hands balled up into fist standing in an aggressive fighting stance. Castellanos was swaying back and forth with his hands up ready to fight. I told him "get on the ground now!" Castellanos refused to. I repeated this command several times. Castellanos refused to comply and moved his hands up and down. It was at this time that it was clear that Castellanos was refusing to comply and wanted to fight with the police.

I feared for my safety and the safety of my partner due to the fact that Castellanos had already struck me once and fled from us while telling him to stop running. I know from training and experience that subject who strike police and flee from them, do it in attempt to get away and hurt police. In addition I know that when subjects flee, they are usually concealing a weapon or some type of illegal narcotic. I also know that subjects, who flee from police, flee for the fact that they are wanted and want to avoid going to jail.

REPORTING OFFICER	DATE	REVIEWED BY
Flores	309	01/21/2014

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NARRATIVE (continuation)

Based on the circumstances I drew my departmental issued "Asp Expandable baton" and delivered a strike to zone 2 striking him in the left shin. I struck Castellanos and saw that he still refused to go to the ground. I told Castellanos, "get on the ground now!" Castellanos refused to. I delivered two more strikes to zone 2 striking him in the right and left shin. It was at this time that Sgt. Lunger arrived on scene and delivered a baton strike hitting Castellanos in the left knee. (Refer to Sgt. Lunger original case report.)

While on the ground I gave Castellanos the command of "put your hands behind your back now." Castellanos refused to and kept his hands concealed in front of his waist band. Castellanos then began to kick his legs at me in attempt to strike me. I was able to avoid being struck by Castellanos. I then said "put your hands behind your back now!" Castellanos refused to. I delivered a strike with my expandable baton to zone 2 striking him on his left calf. It was at this time that Castellanos put his hands behind his back and I was able to gain control of both his hands and handcuff him. I made sure that I double locked the hand cuffs and made sure that they were set properly on his wrist to avoid injury.

Paramedics plus and HFD responded to the location due to the fact that Castellanos had complaint of pain to his left knee and lower leg. Castellanos was transported to EDEN Hospital. I relocated to EDEN Hospital where I took photos of Castellanos injuries.

SUSPECT STATEMENT:

I read Castellanos his Miranda Rights and asked him if he understood them. Castellanos stated that he did and that he wanted to provide a statement. I took a PUMA recorded statement from Castellanos which stated the following in summary:

Castellanos stated that he was stopped by the police in front of his friend's house while sitting by his car. He then said that Officer Flores was conducting a search on him and that he fled during the search do to the fact that he had illegal narcotics on his person. Castellanos also stated that he fled because he did not want to go back to jail. He stated that after he ran into a dead end drive way he turned around facing the police with his hands up. Castellanos stated that he sustained injuries to his leg from force used by the police while taking him into custody.

** It should be noted that while talking to Castellanos he made spontaneous statements stating that he had a prior left knee injury that he had sustained in the past from running from the police. In addition he stated that he was very sorry for running and that he thought he would get away. He said that he was unsure whether or not he had the warrant for his arrest. Castellanos also stated that he ran due

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Flores	309	01/21/2014

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NARRATIVE (continuation)

to the fact that he had "dope" on his person.**

SUSPECT INJURIES:

[REDACTED]
[REDACTED]
Dr. [REDACTED] cleared Castellanos for incarceration.

It should be noted that Castellanos told me that he has sustained knee injuries and other scarring from Police K9's that he has attempted to run from in the past.
[REDACTED]
[REDACTED]

END OF NARRATIVE.

R.FLORES #309

REPORTING OFFICER	DATE	REVIEWED BY
Flores	309	01/21/2014

HAYWARD POLICE DEPARTMENT

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OFFENSES	STATUTE/DESCRIPTION			COUNTS	ATTEMPT/COMMIT

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REPORTING OFFICER Denning	DATE 310	REVIEWED BY 1/21/2014	jim.denholm Denholm, James 1/23/2014 07:48		
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HAYWARD POLICE DEPARTMENT**CASE SUPPLEMENT REPORT**

CASE#

2014-00005585

300 West Winton Avenue

Hayward, CA 94544

NARRATIVE**SUPPLEMENTAL NARRATIVE:**

On the listed date and time I responded to the area of Main Street and Warren Ave to assist Officers that were in a foot pursuit with a suspect. I arrived after the suspect was detained in the driveway area of 22285 Main St. I assisted in conducting witness attempts at the two adjacent residences where the foot pursuit ended and the suspect resisted and a use of force occurred.

I knocked on two units at [REDACTED] and got no answer at either door. I activated a PUMA device during my attempts that was later uploaded onto the HPD PUMA system.

END OF REPORT J. DENNING #310

REPORTING OFFICER	DATE	REVIEWED BY
Denning	310 1/21/2014	jim.denholm Denholm, James 1/23/2014 07:48